APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER
POKRZYWA, JOSEPH R

ART UNIT	PAPER NUMBER
2622	

DATE MAILED: 08/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>27 May 2003</u> .

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>19-24,27-33,37 and 38</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>19-24,27-33,37 and 38</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>27 May 2003</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

       1.☐ Certified copies of the priority documents have been received.

       2.☐ Certified copies of the priority documents have been received in Application No. _____ .

       3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .

4) ☒ Interview Summary (PTO-413) Paper No(s). <u>13</u> .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other:

DETAILED ACTION

Response to Amendment

1.   Applicant's amendment was received on 5/27/03, and has been entered and made of

record. Currently, **claims 19-24, 27-33, 37, and 38** are pending.

Response to Arguments

2.   Applicant's arguments with respect to **claims 19 and 28** have been considered but are

moot in view of the new ground(s) of rejection.

Drawings

3.   The corrected or substitute drawings were received on 5/27/03. These drawings are

acceptable.

Claim Rejections - 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999

(AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002

do not apply when the reference is a U.S. patent resulting directly or indirectly from an

international application filed before November 29, 2000. Therefore, the prior art date of the

reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA

35 U.S.C. 102(e)).

5.   Claims 19-24, 27-33, 37, and 38 are rejected under 35 U.S.C. 102(e) as being anticipated

by Smith *et al.* (U.S. Patent Number 6,385,655).

Regarding *claim 19*, Smith discloses a communication apparatus (see Fig. 1, server 22)

connected to a terminal apparatus (sending computer 14) via a network (electronic network 18),

with the communication apparatus (server 22) comprising an e-mail transmitter that performs an

e-mail transmission to a destination (column 5, lines 48 through 61), a file generator that

generates a communication result file (see Figs. 10-13, column 13, lines 16 through 31, and

column 14, line 35 through column 15, line 32) that includes a result of the e-mail transmission

communication performed by the e-mail transmitter (see Figs. 11-13, column 14, line 48 through

column 15, line 6), a memory that stores the communication result file as a HTML file (column

2, line 44 through column 3, line 44, and column 10, lines 45 through 59), and a communicator that transmits the communication result file to the terminal apparatus when a request for the communication result file is received from the terminal apparatus (see Fig. 10, column 13, line 15 through column 14, line 41), the communication result file being displayable at the terminal apparatus (see Figs. 1, and 10-13).

Regarding *claim 20*, Smith discloses the apparatus discussed above in claim 19, and further teaches that the communication result file comprises a plurality of communication results (see Figs. 11-13).

Regarding *claim 21*, Smith discloses the apparatus discussed above in claim 19, and further teaches that the communication result file comprises at least one of a communication date and a destination associated with a communication result (see Figs. 11-13).

Regarding *claim 22*, Smith discloses the apparatus discussed above in claim 19, and further teaches that the file generator generating a communication result as the HTML file to update the communication result file in the memory when the e-mail transmitter performs an e-mail transmission (column 8, line 62 through column 9, line 7, and column 10, lines 53 through 67, and column 14, line 65 through column 11).

Regarding *claim 23*, Smith discloses the apparatus discussed above in claim 19, and further teaches that the memory stores a main file including a mark indicating a request for the communication result file (tracking button 144, see Figs. 6-10, column 12, line 64 through column 13, line 31), and the communicator transmits the main file to the terminal apparatus in response to actuation of the mark (see Fig. 10-13, column 13, line 16 through column 14, line 41).

Regarding *claim 24*, Smith discloses the apparatus discussed above in claim 23, and further teaches that the request for the communication result file is performed by clicking the mark on the main file at the terminal apparatus (tracking button 144, see Figs. 6-10, column 12, line 64 through column 13, line 31).

Regarding *claim 27*, Smith discloses the apparatus discussed above in claim 37, and further teaches that the communication result file comprises at least one of a communication date, a destination, a number of sheets, a communication duration time and a charge, associated with a communication result (Figs. 11-13).

Regarding *claim 28*, Smith discloses a method for checking a communication result of a communication apparatus (see Fig. 1, server 22) connected to a terminal apparatus (sending computer 14) via a network (electronic network 18), with the method comprising performing an e-mail transmission to a destination (column 5, lines 48 through 61), generating a communication result file (see Figs. 10-13, column 13, lines 16 through 31, and column 14, line 35 through column 15, line 32) including a result of the e-mail transmission communication performed (see Figs. 11-13, column 14, line 48 through column 15, line 6), storing the communication result file as a HTML file in a memory (column 2, line 44 through column 3, line 44, and column 10, lines 45 through 59), and transmitting the communication result file to the terminal apparatus when a request for the communication result file is received from the terminal apparatus (see Fig. 10, column 13, line 15 through column 14, line 41), the communication result file being displayable at the terminal apparatus (see Figs. 1, and 10-13).

Regarding *claim 29*, Smith discloses the method discussed above in claim 28, and further

teaches that the communication result file comprises a plurality of communication results (see

Figs. 11-13).

Regarding *claim 30*, Smith discloses the method discussed above in claim 28, and further

teaches that the communication result file comprises at least one of a communication date and a

destination associated with a communication result (see Figs. 11-13).

Regarding *claim 31*, Smith discloses the method discussed above in claim 28, and further

teaches of generating a communication result as the HTML file to update the communication

result file in the memory when the e-mail transmission is performed (column 8, line 62 through

column 9, line 7, and column 10, lines 53 through 67, and column 14, line 65 through column

11).

Regarding *claim 32*, Smith discloses the method discussed above in claim 28, and further

teaches of transmitting a main file, including a mark indicating a request for the communication

result file (tracking button 144, see Figs. 6-10, column 12, line 64 through column 13, line 31),

to the terminal apparatus before transmitting the communication result file (see Fig. 10-13,

column 13, line 16 through column 14, line 41).

Regarding *claim 33*, Smith discloses the method discussed above in claim 32, and further

teaches that the request for the communication result file is performed by clicking the mark on

the main file at the terminal apparatus (tracking button 144, see Figs. 6-10, column 12, line 64

through column 13, line 31).

Regarding *claim 37*, Smith discloses a communication apparatus (see Fig. 1, server 22)

connected to a terminal apparatus (sending computer 14) via a network (electronic network 18),

the communication apparatus (server 22) comprising an e-mail transmitter that performs an e-mail transmission to a destination (column 5, lines 48 through 61), a facsimile transmitter that performs a facsimile transmission to a destination via a telephone network (column 5, lines 48 through 61), a file generator that generates a communication result file (see Figs. 10-13, column 13, lines 16 through 31, and column 14, line 35 through column 15, line 32) that includes a result of the e-mail transmission communication performed by the e-mail transmitter (see Figs. 11-13, column 14, line 48 through column 15, line 6), a determiner that determines whether to perform an e-mail transmission to the destination by the e-mail transmitter or to perform a facsimile transmission to the destination by the facsimile transmitter (column 5, lines 56 through 61, column 7, lines 60 through 67, and column 8, line 66 through column 9, line 15), a memory that stores the communication result file as a HTML file (column 2, line 44 through column 3, line 44, and column 10, lines 45 through 59), and a communicator that transmits the communication result file to the terminal apparatus when a request for the communication result file is received from the terminal apparatus (see Fig. 10, column 13, line 15 through column 14, line 41), the communication result file being displayable at the terminal apparatus (see Figs. 1, and 10-13).

Regarding *claim 38*, Smith discloses a method for checking a communication result of a communication apparatus (see Fig. 1, server 22) connected to a terminal apparatus (sending computer 14) via a network (electronic network 18), the method comprising performing an e-mail transmission to a destination via the network (column 5, lines 48 through 61), performing a facsimile transmission to a destination via a telephone network (column 5, lines 48 through 61), determining whether to perform the e-mail transmission to the destination or to perform a facsimile transmission to the destination (column 5, lines 56 through 61, column 7, lines 60

through 67, and column 8, line 66 through column 9, line 15), generating a communication result

file (see Figs. 10-13, column 13, lines 16 through 31, and column 14, line 35 through column 15,

line 32) including a result of an e-mail transmission communication performed (see Figs. 11-13,

column 14, line 48 through column 15, line 6), storing the communication result file as an

HTML file (column 2, line 44 through column 3, line 44, and column 10, lines 45 through 59),

and transmitting the communication result file to the terminal apparatus when a request for the

communication result file is received from the terminal apparatus (see Fig. 10, column 13, line

15 through column 14, line 41), the communication result file being displayable at the terminal

apparatus (see Figs. 1, and 10-13).

Conclusion

6.   Applicant's amendment necessitated the new ground(s) of rejection presented in this

Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this

final action.

7.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Joe Pokrzywa whose telephone number is (703) 305-0146. The

examiner can normally be reached on Monday-Friday, 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Edward L. Coles can be reached on (703) 305-4712. The fax phone numbers for the

organization where this application or proceeding is assigned are (703) 872-9314 for regular

communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the receptionist whose telephone number is (703) 306-0377.

J.R.P.

Joseph R. Pokrzywa
Examiner
Art Unit 2622

jrp
August 8, 2003

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